

Wisconsin State Senate

**Testimony of Senator Jim Sullivan Regarding Senate Bill 41:
Indoor Air and Water Quality in Public and Private Schools
Senate Committee on Education
July 9, 2009**

Chairman Lehman and members of the committee, thank you for holding a hearing on SB 41, legislation which will help give schools a protocol to follow when dealing with indoor environmental quality issues. I am very pleased to tell you that this legislation has support from the Association of Wisconsin School Administrators, the Wisconsin Association of School Boards, the Wisconsin Association of School Business Administrators, the Wisconsin Council for Administrators of Special Services, and the Wisconsin Education Association Council (WEAC). I urge you to support this bill when it comes to a vote.

Our schools need tools to address indoor environmental quality issues, and SB 41 gives them guidance and expertise to deal with such issues.

Good indoor air quality in schools contributes to a favorable learning environment for students and a productive work environment for staff. Failure to prevent and promptly respond to indoor air problems can have grave consequences for our teachers and students, including health problems, diminished performance, and absenteeism. In addition, poor indoor environments increase the potential that schools will have to be closed and occupants relocated, and it accelerates the deterioration of school buildings.

SB 41 requires the Department of Public Instruction (DPI) to convene a task force to develop a model management plan for indoor environmental quality in public and private schools. Using the DPI plan as a model, school districts will be able to adopt a plan that best meets the needs of their community.

28 states already have laws regarding indoor air quality in schools, and it is imperative that we continue to help schools in Wisconsin solve their indoor air quality issues. Through an informal WEAC survey and records requests from the Wisconsin Department of Commerce and the former Wisconsin Department of Health and Family Services, WEAC identified almost 100 school buildings with concerns about indoor environmental quality.

Today, you will hear from parents and school district employees from across the state on how indoor environmental quality affected their lives. I join them in asking for your support of this legislation.

Again, thank you for holding a hearing on Senate Bill 41, and please do not hesitate to contact me if you have questions.





Tamara GRIGSBY

State Representative
18th Assembly District

Testimony Before the Senate Committee on Education July 9, 2009 Senate Bill 41

I wanted to thank Chairman Lehman for scheduling Senate Bill 41 for a public hearing today.

According to the Environmental Protection Agency (EPA), indoor air pollutant levels are usually two to five times greater than outdoor levels. Combined with the fact that most people spend 90% of their time indoors, this hazard has led the EPA to name indoor air pollution among the top five environmental risks to public health. Given the level of concern, we must take the steps necessary to ensure a true standard of health for Wisconsin's students and those educating them.

This bill creates the Indoor Environmental Quality in Schools Task Force, which will lead the way in maintaining and improving indoor air quality in Wisconsin's schools. The Department of Public Instruction (DPI) will be directed to take the recommendations put forth by the task force and establish a plan that outlines the best practices for schools to provide a quality atmosphere for students and teachers. Each school will then use the model put forward by DPI to create a school-specific strategy for maintaining indoor environmental quality.

This indoor air quality legislation addresses growing concerns over air quality inside buildings that are not unwarranted. Poor air quality can lead to allergies and headaches, as well as respiratory problems such as asthma, an illness that afflicts nearly 1 in 13 children. Asthma is the leading cause of school absenteeism due to chronic illness, which should stress to us all the importance of our schools' air quality. After all, how can we hope to guarantee a quality school education for students if we cannot guarantee quality air for them to breathe within the schools themselves?

In addition, teachers and school districts will experience the benefits of a clean air environment. Additional benefits, ranging from a reduction in teacher sick days to reduced insurance and risk related costs, are certainly realizable through this legislation. Not only can this bill save Wisconsin taxpayer dollars, it will lead to greater returns on the investments we are making in our public infrastructure and our future.

More than 20 states have passed laws to address indoor environmental quality in schools, ranging from Texas to Rhode Island. Clearly, this issue is about the health and education of our children more than anything else. With that, this bill moves forward to establish quality air within our schools, something we can all appreciate.

I thank the committee for its time and consideration of this matter.

J. Black

**SENATE BILL 41
AIR QUALITY IN OUR PUBLIC & PRIVATE
SCHOOLS
PUBLIC HEARING JULY 9TH, 2009**

I would like to take a moment and thank all of you for allowing me to speak on behalf of Senate Bill 41 Indoor Air Quality in our Public Schools.

My name is Jeanne Black and this is my daughter Jade Black who is now a freshman at the University of Wisconsin Platteville. I am here speaking on behalf of all students in Wisconsin K-12 public and private schools.

We have experienced first hand problems with this life threatening health hazard in our public schools. What we are dealing with is sick building syndrome.

We experienced what many at this moment have experienced and still are experiencing with problems with indoor air quality from molds, chemicals, cleaning chemicals and simply not enough fresh air coming into our schools in this state.

As a result with physician orders we left our school we were so proud of in the past. We then entered a pro-active school 5 years ago and symptoms were gone. No more inhalers and 350.00 worth of medications a month. No allergic reactions so severe they become life threatening. No child in the state of WI should have to take inhalers and medications to get thru school and many, many children are. Not to mention with this disability children are denied an education and we are an example of being denied a public school of our choice.

Without regulations and laws in Wisconsin on this issue it gives school boards and administrations a chance to deny, cover up, threatening jobs and simply not address the issue, while our children are inhaling toxic air on a daily basis. There are countless laws out there that regulate safety in our schools but we must continue to address each new problem and mandate the safety of our schools at all costs. Breathing toxic air is proven to be a health hazard and cancer causing.

I have met with and worked with Administration of schools, Principals, Cleaning staffs, Hygienists, State Health, Local Health, Insurance Companies, Dept. of Commerce, Engineers, Physicians, Cancer Research Specialists, WI Senate and Assembly, U.S. Senate, President of the U.S., members of groups from New York, California and all of these agencies have stated with no laws and regulations we cant enforce only recommend. My family and I were very active in the first indoor air quality bill introduced in WI Senate Bill 325 in 2006.

Recommendations and guidelines are not enough, we need enforcement and Senate Bill 41 is a good start.

Without laws and regulations children like my daughter are denied an education. What is protecting these children with environmental disabilities?

When we send our children out the door in the morning, we entrust their care to the administration of public schools. Please make schools accountable, educate them on sick building syndrome, educate maintenance staff to understand the hazards to themselves from chemical exposure, and make school boards liable for the safety of our children and let every student and employee breath clean air in every public school in Wisconsin.

It is every child's right in the great state of Wisconsin to breathe clean air. They are our future. It is every child's right to breathe clean air but it is also their U.S. Civil Right. According to the U.S. Department of Civil Rights it is responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Statue 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

To the current date my daughter has been declared with a disability. The medical diagnosis is "SEVERE MOLD INDUCED ASTHMA".

We are very fortunate to have excellent health insurance but what about the parents of many children who are not so fortunate. This has created a great hardship. Some families around the state have had to pick up their families and move so their children could attend school. This has created a huge financial burden.

I feel Senate Bill 41 is a good start but I would like to see penalties included if these laws are not met either by a financial penalty or civil and criminal charges.

Without some type of penalties this law will not help this growing health concern.

There are many states right now that have laws on this issue or have legislation started. Wisconsin needs to address this health hazard head on also.

If you can not breathe you can not learn.

Every child in the state of Wisconsin and in the U.S. has the right to breathe clean air. There is only one solution to this situation. We must remove the danger entirely. Laws must be implemented and enforced to protect our children.

A provision I would like to see added to Senate Bill 41 is that if a child has physician orders to leave the environment due to an environmental disability that the school accommodate them to another public or private school. States around the U.S. are doing this at this time Wisconsin should also.

As a result my daughter's exposure she has a disability. This effects where she lives, goes to school, and works for the rest of her life. She has been declared with a legal disability with substantial reactions to indoor environments according to the American Disabilities Act.

I support Senate Bill 41 and it is a step in the right direction for our children to remain healthy.

Thank you
Jeanne Black
17880 Hirshbrunner Road
Darlington, WI 53530

Archdiocese of Milwaukee

Association of
Christian Schools International

Christian Schools International

Diocese of Green Bay

Diocese of LaCrosse

Diocese of Madison

Diocese of Superior

Lutheran Church
Missouri Synod
North Wisconsin District

Lutheran Church
Missouri Synod
South Wisconsin District

Wisconsin Association of
Independent Schools

Wisconsin Conference of
Seventh Day Adventists

Wisconsin Evangelical
Lutheran Synod
Northern Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Western Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Southeastern Wisconsin District

Position Paper: Indoor Environmental Quality in Schools

SB 41

The Wisconsin Council of Religious and Independent Schools (WCRIS) is supportive of the co-authors intent to increase air quality standards through the creation of a task force and the development of a model management tool for maintaining indoor air quality in Wisconsin schools.

The Council is particularly pleased with the inclusion of a non-public school representative on the task force.

We are concerned, however, that the recommendations of the task force could result in costly, new mandates which could put additional pressures on many of our schools' capital improvement budgets.

As you know, the current state of the economy is affecting all of us, including private school enrollments and the funds available to operate our schools. Schools fortunate enough to have trust funds designated for such purposes experienced drastic reductions in those accounts over the last several years.

Although many of our schools have incorporated interest earnings from such trust accounts in their normal operating budgets in the past, the current economic conditions have forced many schools to transfer large amounts from the principal of these accounts to cover their most pressing capital needs. The necessity of such transfers will affect the stability of these accounts for years to come.

WCRIS, through our representative on the task force, will be asking the legislature to include non-public schools should funding be provided to meet these new air quality standards.

Every student deserves clean air, regardless of the school they choose to attend.

Thank you once again for including a non-public school representative on the task force. WCRIS looks forward to working with you on this important issue.

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Great Schools
benefit
Everyone!*

To: Members of the Senate Education Committee

From: Wisconsin Education Association Council

Date: July 9, 2009

Re: Support for Senate Bill 41, relating to school indoor environmental quality

The Wisconsin Education Association Council supports Senate Bill 41 to protect the health and safety of students and school staff. This legislation will provide school districts with expertise and guidance from a state task force of diverse members that will develop recommendations for a model management plan for maintaining indoor environmental quality in schools. In addition, Senate Bill 41 will ensure that over time all school districts adopt and implement a locally-developed plan to maintain indoor environmental quality in their school buildings.

Maintaining environmental quality in schools facilitates student learning and promotes a productive work environment for staff. Schools throughout the state are struggling with air quality concerns such as mold, fungi, asbestos, carbon dioxide, and poor ventilation. Left unaddressed, such issues can lead to health problems, reduced student academic achievement and teacher performance, accelerated school building deterioration, school closings, and student and staff relocation – all major disruptions of the learning process.

Passage of this legislation will provide schools with the guidance and expertise to deal with indoor environmental quality issues and encourage them to take preventive measures. This saves taxpayer dollars in the long run. In addition, it will lead to better communication between school officials, educators, parents, students and community members about health and safety risks posed by indoor environmental quality issues. When dealing with an air quality crisis, honest and open communication is essential to dispel myths, allay fears, and provide an opportunity to involve the community in the problem-solving process.

Let's add Wisconsin to the list of more than 20 states that have passed laws to address indoor environmental quality in schools.

If you have any questions, contact Deb Sybell, WEAC Legislative Program Coordinator, at (608) 298-2327.

Mary Bell, President
Dan Burkhalter, Executive Director

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Great Schools
benefit
Everyone!*

**Testimony of Joetta Baker
West Bend Education Association
Senate Committee on Education
SB 41
July 9, 2009**

Hello. My name is Joetta Baker and I am a teacher at McLane Elementary School in West Bend. I am here today to urge your support for SB 41.

This bill is important for the health and safety of students and educators in our schools. The children we teach are greatly impacted by indoor air quality. According to a December 2008 article in the Journal of School Health, approximately 12% of all children under 18 have been diagnosed with asthma. Asthma is the leading cause of school absences due to a chronic disease. One recommendation made by the medical community to help children with asthma is to maintain good indoor air quality by reducing or eliminating allergens and irritants in their schools. This is just one example of how indoor environmental quality affects children.

Educators breathe the same air as our students. We are vulnerable as well. I have some personal experiences I would like to share with you.

Over the past 21 years of teaching of which about sixteen have been spent in the same building, I have had reason to question the environmental safety of our building. The most recent was this past year. I had a conversation with one of our first grade teachers after a water pipe had burst in her classroom, flooding her carpeted classroom. The janitors extracted the water as best they could and then used floor fans to try to dry out the area. She shared her concern about the long range effects of the incident. She said her husband who works for the city of West Bend, has been concerned about the environmental issues in these older, poorly maintained buildings where, in some cases, educators spend a number of years in a classroom with poor environmental quality. If this were in my home, I am certain I would be removing this carpeting. I was fortunate last year to be in one of the classrooms which had the carpeting replaced by tile and I was grateful.

Another situation I recall occurred about five years ago after the fifth case of a teacher being diagnosed with cancer in a specific area of our building. I am not an alarmist, but as you observe the events occurring in the environment in which you work, I believe it is important to question the possibilities. We have other serious health issues. Our second kindergarten teacher in 5-6 years is awaiting a kidney transplant. It seems unlikely that all of these incidents are merely coincidental.

In the state of Wisconsin, school districts are not required to have a policy in place to address these concerns. Senate Bill 41 would provide schools with the tools to better manage indoor environmental quality issues and require all school districts have a policy regarding indoor environmental quality in place that meets the needs of their students and staff.

Creating a healthy environment in which to teach and learn is critical to the success of our staff and our students. We should not let children and educators be "canaries in a coal mine". Thanks for your consideration of my testimony.

Mary Bell, President

Dan Burkhalter, Executive Director



Date: July 10, 2009
To: Members, Senate Committee on Education
From: Jennifer Kammerud, Legislative Liaison
Subject: **2009 Senate Bill 41**

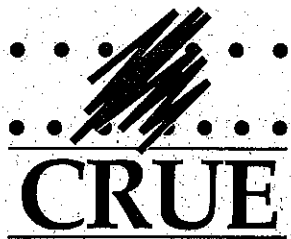
The Department of Public Instruction supports 2009 Senate Bill 41 as it takes a holistic approach to the issue of indoor environmental quality in schools. As such, it positively addresses important health and safety issues.

The bill directs the state superintendent to establish the Indoor Environmental Quality in Schools Task Force. The task force is to make recommendations for the development of a model management plan for maintaining indoor environmental quality. The department feels this task force is appropriately located at DPI and that the expertise contained in the task force, as outlined in the bill, will augment the expertise and experience of the department in this area. The department has staff that work on school facility issues and has conducted in the past a statewide survey of the condition and capacity of the state's schools. Moreover, as outlined below, the state superintendent has statutory authority in regards to school facilities [Wis. Stats. 115.33 (3)].

(3) (a) If the state superintendent determines that a school is not in compliance, and the department of commerce, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to repair, improve, remodel or close the school by a stated date. An order issued under this paragraph constitutes a preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

(b) 1. If the state superintendent determines that a school is not in compliance and is not worth repairing, and the department of commerce, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which compliance with the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

This bill would help make schools safer by having standards for indoor air quality to help prevent long and short term health problems for students and staff and, as such, we urge your support for SB 41.



Coulee Region United Educators

2020 Caroline Street • La Crosse, WI 54603

1-800-753-0987 • 608-781-1234 • FAX 608-781-1286

Directors:

Gerald Roethel
Deborah K. Byers
Steven P. Glandt
Edith Gustafson

Testimony of Gerry Roethel

Coulee Region United Educators

Senate Committee on Education

SB 41

July 9, 2009

My name is Gerry Roethel and I am completing my 27th year of employment with Coulee Region United Educators (CRUE). I am here today to testify in favor of Senate Bill 41.

I have had numerous occasions to be involved with indoor air quality issues. Most of the situations have involved school districts that attempted to provide a safe environment for students to learn and a safe environment for school employees to work in. Unfortunately, sometimes things happen that change this goal in schools. Mold, improper heating and ventilation, insufficient air flow, improper cleaning supplies and/or methods, and insufficient outside air all contribute to poor indoor air quality. When problems occur, the districts that find the best solutions are those that include the most information from all of the stakeholders.

Many CRUE schools are fairly small rural schools that have limited staffs with everyone assigned multiple tasks. I believe that Senate Bill 41 would assist schools in the development of a management plan to improve and then maintain good indoor air quality. It is a start. Do I believe it goes far enough to fix the deferred maintenance and outdated systems that exist in some of our schools? No, but it is a start.

Twenty states are ahead of us on indoor air quality legislation. We have always had a reputation of having great schools. Good indoor air quality is a central ingredient to great schools. I ask that the committee and ultimately the Senate and Assembly adopt Senate Bill 41 as both a good beginning and as a guidepost for improved indoor air quality.